



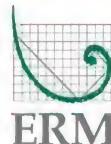
**ATLANTIC COAST PIPELINE, LLC**  
**ATLANTIC COAST PIPELINE**  
**Docket Nos. CP15-554-000**  
**CP15-554-001**

## APPENDIX D

### **Plan for the Unanticipated Discovery of Historic Properties or Human Remains During Construction in West Virginia**

*Rev. 3*

**Prepared by**



**January 9, 2017**

Plan for the Unanticipated Discovery of Historic Properties or Human Remains During  
Construction in West Virginia

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Construction in West Virginia**

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**LIST OF ACRONYMS AND ABBREVIATIONS**

ACP	Atlantic Coast Pipeline
Atlantic	Atlantic Coast Pipeline, LLC
Dominion Energy	Dominion Energy Transmission, Inc.
EI	Environmental Inspector
FERC	Federal Energy Regulatory Commission
WVDCH	West Virginia Division of Culture and History

## 1.0 INTRODUCTION

Atlantic Coast Pipeline, LLC (Atlantic) – a company formed by four major energy companies – Dominion Energy, Inc.; Duke Energy Corporation; Piedmont Natural Gas Co., Inc.; and Southern Company Gas – proposes to construct and operate approximately 600 miles of natural gas transmission pipelines and associated aboveground facilities in West Virginia, Virginia, and North Carolina. This Project, referred to as the Atlantic Coast Pipeline (ACP), will deliver up to 1.5 million dekatherms per day of natural gas from supply areas in the Appalachian region to demand areas in Virginia and North Carolina. Atlantic has contracted with Dominion Energy Transmission, Inc. (Dominion Energy), a subsidiary of Dominion Energy, Inc., to construct and operate the ACP on behalf of Atlantic.

## 2.0 PURPOSE

This plan identifies procedures to be implemented in the event that previously unreported and unanticipated cultural materials or human remains are found during construction of the ACP in West Virginia. A separate plan identifying response procedures for crossings of Federal lands in the Monongahela National Forest has been prepared for the ACP.

## 3.0 TRAINING

Prior to the start of construction, Atlantic will conduct environmental training, including instruction on the identification of cultural materials, unmarked burials, and human remains, for Company and Contractor<sup>1</sup> personnel. The training program will focus on the Federal Energy Regulatory Commission's (FERC's) *Upland Erosion Control, Revegetation, and Maintenance Plan* and *Wetland and Waterbody Construction and Mitigation Procedures*; other construction, restoration, and mitigation plans, including this *Plan for Unanticipated Discovery of Historic Properties or Human Remains*; and applicable permit conditions. Atlantic also will provide large-group training sessions before each work crew commences construction with periodic follow-up training for groups of newly assigned personnel.

## 4.0 UNANTICIPATED DISCOVERY OF CULTURAL MATERIALS OR HUMAN REMAINS

The following measures will be implemented if known or suspected cultural materials, unmarked burials, or human remains are discovered during construction in West Virginia:

1. The Contractor will stop work in the area of the find (i.e., within 100 feet of the find or the outer perimeter of a group of finds) to protect the integrity of the find.
2. The Contractor will notify Atlantic's Environmental Inspector (EI)<sup>2</sup> of the find. The Contractor will not restart work in the area of the find until approved by the EI.

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<sup>1</sup> Contractor or Contractors refer to the company or companies retained by Atlantic or another contractor to construct the proposed facilities.

<sup>2</sup> The role and responsibilities of an EI are defined in the FERC's *Upland Erosion Control, Revegetation, and Maintenance Plan*.

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3. The EI will notify Atlantic's Environmental Project Consultant, who will coordinate with the Archaeological Consultant to conduct a preliminary assessment of the find.
4. Following the investigation, the Archaeological Consultant will notify Atlantic's Environmental Project Consultant by telephone regarding the preliminary assessment of the find.
5. Atlantic's Environmental Project Consultant will notify the FERC and West Virginia Division of Culture and History (WVDCH), which serves as the State Historic Preservation Office, by telephone regarding the preliminary evaluation of the find.
6. Atlantic's Environmental Project Consultant will notify the Delaware Nation of the find.<sup>3</sup>
7. If the materials found are cultural materials (e.g., artifacts or archaeological features), the procedures in Section 4.1 will be implemented. If the materials found are human remains, the procedures identified in Section 4.2 will be implemented.

### **4.1 Discovery of Cultural Materials**

1. The EI will flag or fence off the site (including the area within 100 feet of the find or the outer perimeter of a group of finds).
2. Atlantic's Environmental Project Consultant will direct the Archaeological Consultant to begin an assessment of the significance of the find and the potential effect of construction on the site.
3. The Archaeological Consultant will assess and document the find within 2 days of its discovery.
4. If the Archaeological Consultant determines the find is not significant, and the FERC and WVDCH concur, the Archaeological Consultant will notify Atlantic's Environmental Project Consultant that construction may proceed in the vicinity of the find without additional action. The Archaeological Consultant will prepare a brief report on the find for submittal to the FERC and WVDCH within 7 days of the discovery.
5. If the Archaeological Consultant determines that the find may be significant, and the FERC and WVDCH concur, then the following additional steps will be implemented.

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<sup>3</sup> In a letter to the FERC dated December 1, 2014, the Delaware Nation asked to be notified in the event of an unanticipated discovery of archaeological sites during construction. None of the other federally recognized tribes consulted for the ACP asked to be notified in the event of an unanticipated find.

6. Atlantic's Environmental Project Consultant will notify other parties of the find as directed by the FERC and WVDCH.
7. If the find is determined to be significant and continuing construction may damage more of the site, Atlantic's Environmental Project Consultant will request recommendations from the FERC, WVDCH, and other parties recommended by the FERC and WVDCH regarding measures for site treatment. These measures may include:
  - i) A variance request to re-route around the site;
  - ii) Formal archaeological evaluation of the site;
  - iii) Site visits by the FERC, WVDCH, and other parties;
  - iv) Preparation of a mitigation plan by Atlantic for approval by the FERC and WVDCH;
  - v) Implementation of the mitigation plan; and
  - vi) Approval to resume construction following completion of the fieldwork component of the mitigation plan.
8. If, upon further analysis by the Archaeological Consultant, the find is determined to lack significance, Atlantic's Environmental Project Consultant will consult with the FERC, WVDCH, and other appropriate parties, and will request approval to resume construction subject, as warranted, to further mitigation required by the FERC.
9. Atlantic's Environmental Project Consultant will notify the EI who will grant clearance to the Contractor to start work.

#### **4.2 Discovery of Unmarked Burials or Human Remains**

1. If unmarked human burial or skeletal remains are encountered during construction activities, Atlantic's Environmental Project Consultant will direct the EI to flag or fence off the site (including the area within 100 feet of the find or the outer perimeter of a group of finds).
2. Atlantic's Environmental Project Consultant will notify the local law enforcement agency within 48 hours of the find.
3. Atlantic's Environmental Project Consultant will notify the FERC of the find.
4. If the local law enforcement agency determines that the remains are not modern or do not reflect a crime scene, and/or if they otherwise relinquish their jurisdiction over the remains, the FERC will consult appropriate parties (e.g.,

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WVDCH, federally recognized Indian Tribes, and/or the landowner) regarding additional steps to be followed.

5. If the WVDCH determines that the site has no archaeological significance, Atlantic will notify the circuit court of the County where the site is located. The removal, transfer, and disposition of the remains will be subject to the provisions of West Virginia Code §37-13-1 under the jurisdiction and authority of the circuit court of the County where the site is located.
6. If it is determined that the remains are Native American, a reasonable effort will be made to identify, locate, and notify the appropriate Tribe.
7. If it is determined that the remains are not Native American, a reasonable effort will be made to determine the identity or next of kin of the deceased.
8. The measures to protect the remains and associated artifacts will remain in effect until they have been fully evaluated, appropriate treatment of the discovery (if applicable) has been completed, and Atlantic has received written notice from the FERC to proceed with construction at the discovery site.
9. Atlantic's Environmental Project Consultant will notify the EI who will grant clearance to the Contractor to resume work in the vicinity of the find.

## 5.0 CONTACTS FOR UNANTICIPATED DISCOVERIES

### **ATLANTIC CONTACTS:**

#### **Lead Environmental Inspector (Spreads 1-1 and 2-2):**

Name: Geoff Proctor  
Cell: 814-203-3932  
Email: [geoff.proctor89@gmail.com](mailto:geoff.proctor89@gmail.com)

#### **Lead Environmental Inspector (Spread 1-2 and 2-1):**

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#### **Lead Environmental Inspector (Spreads 2A and 3):**

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#### **Atlantic Environmental Project Consultant:**

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Phone: (804) 273-3472  
Cell: (804) 263-5980  
E-mail: [spencer.trichell@dominionenergy.com](mailto:spencer.trichell@dominionenergy.com)

#### **Archaeological Consultant:**

Name: William Stanyard  
Company: ERM  
Phone: (678) 781-1372  
Cell: (404) 317-0543  
E-mail: [bill.stanyard@erm.com](mailto:bill.stanyard@erm.com)

### **FEDERAL CONTACTS:**

#### **FERC Project Archaeologist:**

Name: Ellen Armbruster  
Phone: (202) 502-8330  
Email: [ellen.armbruster@ferc.gov](mailto:ellen.armbruster@ferc.gov)

### **STATE CONTACTS:**

#### **WVDCH/STATE HISTORIC PRESERVATION OFFICE:**

Name: Susan Pierce  
Phone: (304) 558-0240, ext. 158  
Email: [susan.m.pierce@wv.gov](mailto:susan.m.pierce@wv.gov)

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**TRIBAL CONTACTS:**

**Catawba Indian Nation**

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Phone: (803) 328-2427  
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**Delaware Nation, Cultural Preservation Office**

Name: Nekole Alligood  
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E-mail: [nalligood@delawarenation.com](mailto:nalligood@delawarenation.com)

**LOCAL LAW ENFORCEMENT CONTACTS:**

**Harrison County Sheriff:**

Name: Robert Metheny  
Phone: (304) 624-8550  
Address: 301 W Main Street, Clarksburg, WV 26301

**Lewis County Sheriff:**

Name: Adam Gissy  
Phone: (304) 269-8251  
Address: 117 Court Ave, Weston, WV 26452

**Pocahontas County Sheriff:**

Name: Jeff Barlow  
Phone: (304) 799-4445  
Address: 900 ½ 10<sup>th</sup> Ave, Marlinton, WV 24954

**Randolph County Sheriff:**

Name: Mark Brady  
Phone: (304) 636-2100  
Address: 4 Randolph Ave, Elkins, WV 26241

**Upshur County Sheriff:**

Name: David Coffman  
Phone: (304) 472-1180  
Address: 38 W Main St, Buckhannon, WV 26201

## 6.0 REFERENCES

West Virginia Legislature (West Virginia). n.d. West Virginia Code. Available online at:  
<http://law.justia.com/codes/west-virginia/2013/chapter-37/article-13/section-37-13-1A>. Accessed July 2016.



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**Prepared by**



**ERM**

**January 9, 2018**

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**LIST OF ACRONYMS AND ABBREVIATIONS**

ACP	Atlantic Coast Pipeline
Atlantic	Atlantic Coast Pipeline, LLC
Dominion Energy	Dominion Energy Transmission, Inc.
EI	Environmental Inspector
FERC	Federal Energy Regulatory Commission
VADHR	Virginia Department of Historic Resources

## 1.0 INTRODUCTION

Atlantic Coast Pipeline, LLC (Atlantic) – a company formed by four major energy companies – Dominion Energy, Inc.; Duke Energy Corporation; Piedmont Natural Gas Co., Inc.; and Southern Company Gas – proposes to construct and operate approximately 600 miles of natural gas transmission pipelines and associated aboveground facilities in West Virginia, Virginia, and North Carolina. This Project, referred to as the Atlantic Coast Pipeline (ACP), will deliver up to 1.5 million dekatherms per day of natural gas from supply areas in the Appalachian region to demand areas in Virginia and North Carolina. Atlantic has contracted with Dominion Energy Transmission, Inc. (Dominion Energy), a subsidiary of Dominion Energy, Inc., to construct and operate the ACP on behalf of Atlantic.

## 2.0 PURPOSE

This plan identifies procedures to be implemented in the event that previously unreported and unanticipated cultural materials or human remains are found during construction of the ACP in Virginia. A separate plan identifying response procedures for crossings of Federal lands in the George Washington National Forest has been prepared for the ACP.

## 3.0 TRAINING

Prior to the start of construction, Atlantic will conduct environmental training, including instruction on the identification of cultural materials, unmarked burials, and human remains, for Company and Contractor<sup>1</sup> personnel. The training program will focus on the Federal Energy Regulatory Commission's (FERC's) *Upland Erosion Control, Revegetation, and Maintenance Plan* and *Wetland and Waterbody Construction and Mitigation Procedures*; other construction, restoration, and mitigation plans, including this *Plan for Unanticipated Discovery of Historic Properties or Human Remains*; and applicable permit conditions. Atlantic also will provide large-group training sessions before each work crew commences construction with periodic follow-up training for groups of newly assigned personnel.

## 4.0 UNANTICIPATED DISCOVERY OF CULTURAL MATERIALS OR HUMAN REMAINS

The following measures will be implemented if known or suspected cultural materials, unmarked burials, or human remains are discovered during construction in Virginia:

1. The Contractor will stop work in the area of the find (i.e., within 100 feet of the find or the outer perimeter of a group of finds) to protect the integrity of the find.
2. The Contractor will notify Atlantic's Environmental Inspector (EI)<sup>2</sup> of the find. The Contractor will not restart work in the area of the find until approved by the EI.

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<sup>1</sup> Contractor or Contractors refer to the company or companies retained by Atlantic or another contractor to construct the proposed facilities.

<sup>2</sup> The role and responsibilities of an EI are defined in the FERC's *Upland Erosion Control, Revegetation, and Maintenance Plan*.

3. The EI will notify Atlantic's Environmental Project Consultant, who will coordinate with the Archaeological Consultant to conduct a preliminary assessment of the find.
4. Following the investigation, the Archaeological Consultant will notify Atlantic's Environmental Project Consultant by telephone regarding the preliminary assessment of the find.
5. Atlantic's Environmental Project Consultant will notify the Federal Energy Regulatory Commission (FERC) and Virginia Department of Historic Resources (VADHR), which serves as the State Historic Preservation Office, by telephone regarding the preliminary evaluation of the find.
6. Atlantic's Environmental Project Consultant will notify federally recognized tribes<sup>3</sup> (the Delaware Nation, the Catawba Indian Nation, and the Pamunkey Tribe) and Commonwealth recognized tribes (Cheroenhaka [Nottoway] Tribe, Chickahominy Tribe, Eastern Chickahominy Tribe, Mattaponi Tribe, Monacan Nation, Nansemond Tribe, Nottoway Tribe, Patawomeck Tribe, Rappahannock Tribe, and Upper Mattaponi Tribe) of the find.
7. If the materials found are cultural materials (e.g., artifacts or archaeological features), the procedures in Section 4.1 will be implemented. If the materials found are human remains, the procedures identified in Section 4.2 will be implemented.

#### **4.1 Discovery of Cultural Materials**

1. The EI will flag or fence off the site (including the area within 100 feet of the find or the outer perimeter of a group of finds).
2. Atlantic's Environmental Project Consultant will direct the Archaeological Consultant to begin an assessment of the significance of the find and the potential effect of construction on the site.
3. The Archaeological Consultant will assess and document the find within 2 days of its discovery.
4. If the Archaeological Consultant determines the find is not significant, and the FERC and VADHR concur, the Archaeological Consultant will notify Atlantic's Environmental Project Consultant that construction may proceed in the vicinity of the find without additional action. The Archaeological Consultant will prepare a

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<sup>3</sup> In a letter to the FERC dated December 1, 2014, the Delaware Nation asked to be notified in the event of an unanticipated discovery of archaeological sites during construction. In a letter to Atlantic dated August 25, 2016, the Catawba Indian Nation asked to be notified in the event of an unanticipated discovery of archaeological sites during construction. In a meeting on May 3, 2017, the Pamunkey Tribe asked to be notified in the event of an unanticipated discovery of archaeological sites during construction. None of the other federally recognized Tribes consulted for the ACP asked to be notified in the event of an unanticipated find.

brief report on the find for submittal to the FERC and VADHR within 7 days of the discovery.

5. If the Archaeological Consultant determines that the find may be significant, and the FERC and VADHR concur, then the following additional steps will be implemented.
6. Atlantic's Environmental Project Consultant will notify other parties of the find as directed by the VADHR and FERC.
7. If the find is determined to be significant and continuing construction may damage more of the site, Atlantic's Environmental Project Consultant will request recommendations from the FERC, VADHR, and other parties recommended by the FERC and VADHR regarding measures for site treatment. These measures may include:
  - i) A variance request to re-route around the site;
  - ii) Formal archaeological evaluation of the site;
  - iii) Site visits by the FERC, VADHR, and other parties;
  - iv) Preparation of a mitigation plan by Atlantic for approval by the FERC and VADHR;
  - v) Implementation of the mitigation plan; and
  - vi) Approval to resume construction following completion of the fieldwork component of the mitigation plan.
8. If, upon further analysis by the Archaeological Consultant, the find is determined to lack significance, Atlantic's Environmental Project Consultant will consult with the FERC, VADHR, and other appropriate parties, and will request approval to resume construction subject, as warranted, to further mitigation required by the FERC.
9. Atlantic's Environmental Project Consultant will notify the EI who will grant clearance to the Contractor to start work.

#### **4.2 Discovery of Unmarked Burials or Human Remains**

1. If unmarked human burial or skeletal remains are encountered during construction activities, Atlantic will comply with applicable provisions of the Virginia Antiquities Act (Section 10.1-2305) (see Section 6.0 below).
2. Atlantic's Environmental Project Consultant will direct the EI to flag or fence off the site (including the area within 100 feet of the find or the outer perimeter of a group of finds), and will notify the appropriate local law enforcement agency.

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3. Atlantic's Environmental Project Consultant will notify the FERC of the find.
4. If the local law enforcement agency determines that the remains are not modern or do not reflect a crime scene, and/or if they otherwise relinquish their jurisdiction over the remains, the FERC will consult appropriate parties (e.g., VADHR, which will consult as appropriate with Commonwealth recognized Tribes; the Delaware Nation, Catawba Indian Nation, and Pamunkey Tribe; other federally recognized Tribes, as appropriate; and/or the landowner) regarding additional steps to be followed.
5. If it is determined that the remains are Native American, a reasonable effort will be made to identify, locate, and notify the appropriate Tribe.
6. All parties shall make a good faith effort to ensure that the general public is excluded from viewing any Native American burial site or associated funerary artifacts and shall release no photographs of any Native American burial site or associated funerary artifacts to the press or general public.
7. If it is determined that the remains are not Native American, a reasonable effort will be made to determine the identity or next of kin of the deceased.
8. The measures to protect the remains and associated artifacts will remain in effect until they have been fully evaluated, appropriate treatment of the discovery (if applicable) has been completed, and Atlantic has received written notice from the FERC to proceed with construction at the discovery site.
9. Atlantic's Environmental Project Consultant will notify the EI who will grant clearance to the Contractor to resume work in the vicinity of the find.

## 5.0 CONTACTS FOR UNANTICIPATED DISCOVERIES

### **ATLANTIC CONTACTS:**

#### **Lead Environmental Inspector (Spread 3A):**

Name: Brady Russell  
Cell: 615-934-0239  
Email: brady.russell@gmail.com

#### **Lead Environmental Inspector (Spread 4):**

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Email: gavinblosser@aol.com

#### **Lead Environmental Inspector (Spreads 4A and 5):**

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Email: manning.tagarook@gmail.com

#### **Lead Environmental Inspector (Spreads 6 and 7):**

Name: Aaron Ruyle  
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#### **Lead Environmental Inspector (Spread 11):**

Name: David Buchanan  
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#### **Atlantic Environmental Project Consultant:**

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**FEDERAL CONTACTS:**

**FERC Project Archaeologist:**

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**COMMONWEALTH CONTACTS:**

**VADHR/STATE HISTORIC PRESERVATION OFFICE:**

Name: Julie Langan  
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**TRIBAL CONTACTS:**

**Federally Recognized Tribes:**

**Catawba Indian Nation**

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**Delaware Nation, Cultural Preservation Office:**

Name: Nekole Alligood  
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**Pamunkey Tribe**

Name: Robert Gray, Chief  
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**Commonwealth Recognized Tribes:**

**Cheroenhaka (Nottoway) Tribe**

Name: Walt “Red Hawk” Brown, Chief  
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**Chickahominy Tribe**

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**Eastern Chickahominy Tribe**

Name: Gene W. Adkins Chief  
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**Mattaponi Tribe**

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**Monacan Nation**

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**Nansemond Tribe**

Name: Lee Lockamy, Chief  
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**Nottoway Tribe**

Name: Lynette Allston, Chief  
Phone: (434) 658-4454  
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**Patawomeck Tribe**

Name: John R. Lightner, Chief  
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**Rappahannock Tribe**

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Phone: (804) 769-0260  
E-mail: [chiefannerich@aol.com](mailto:chiefannerich@aol.com)

**Upper Mattaponi Tribe**

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Phone: (804) 690-1694

**LOCAL LAW ENFORCEMENT CONTACTS:**

**Augusta County Sheriff:**

Name: Donald Smith  
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**Brunswick County Sheriff:**

Name: Brian Roberts  
Phone: (434) 848-3133  
Address: 120 E Hicks St, Lawrenceville, VA 23868

**Buckingham County Sheriff:**

Name: W.G. "Billy" Kid, Jr.  
Phone: (434) 969-1772  
Address: 13380 W James Anderson Hwy, Buckingham, VA 23921

**City of Chesapeake Chief of Police:**

Name: Col K. W. Wright  
Phone: (757) 382-6161  
Address: 304 Albemarle Drive, Chesapeake, VA 23322

**City of Suffolk Chief of Police**

Name: Thomas E. Bennett, Chief of Police  
Phone: (757) 514-7915  
Address: 304 Albemarle Drive, Chesapeake, VA 23322

**Cumberland County Sheriff:**

Name: Darrell Hodges  
Phone: (804) 492-4120  
Address: 1492 Anderson Hwy, Cumberland, VA 23040

**Dinwiddie County Sheriff:**

Name: D.T. "Duck" Adams  
Phone: (804) 469-4550  
Address: 14230 Sycamore Drive, Dinwiddie, VA 23841

**Greensville County Sheriff:**

Name: William T. "Tim" Jarratt, Jr.  
Phone: (434) 348-4200  
Address: 174 Uriah Branch Way, Emporia, VA 23847

**Highland County Sheriff:**

Name: David Neil  
Phone: (540) 468-2210  
Address: 145 W Main St, Monterey, VA 24465

**Nelson County Sheriff:**

Name: David Hill  
Phone: (434) 263-7050  
Address: 94 Courthouse Square, Lovingston, VA 22949

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**Nottoway County Sheriff:**

Name: Larry Parrish  
Phone: (434) 645-9044  
Address: 266 W Courthouse Rd, Nottoway Court House, VA 23955

**Prince Edward County Sheriff:**

Name: Wesley Reed  
Phone: (434) 392-8101  
Address: 124 S Main St, Farmville, VA 23901

**Southampton County Sheriff:**

Name: J.B. "Jack" Stutts  
Phone: (757) 653-2100  
Address: 22336 Main St, Courtland, VA 23837

## 6.0 REFERENCES

State of Virginia. 1991. *Virginia Antiquities Act*, Section 10.1-2305 of the *Code of Virginia*.  
Final regulations adopted by the Virginia Board of Historic Resources and published in  
the Virginia Register on July 15, 1991. Available online at:  
<http://law.lis.virginia.gov/vacode/title10.1/chapter23/section10.1-2305/>. Accessed

## **7.0 VIRGINIA ANTIQUITIES ACT, SECTION 10.1-2305 OF THE CODE OF VIRGINIA**

### **§ 10.1-2305. Permit required for the archaeological excavation of human remains.**

A. It shall be unlawful for any person to conduct any type of archaeological field investigation involving the removal of human skeletal remains or associated artifacts from any unmarked human burial regardless of age of an archaeological site and regardless of ownership without first receiving a permit from the Director.

B. Where unmarked burials are not part of a legally chartered cemetery, archaeological excavation of such burials pursuant to a permit from the Director shall be exempt from the requirements of §§ 57-38.1 and 57-39. However, such exemption shall not apply in the case of human burials within formally chartered cemeteries that have been abandoned.

C. The Department shall be considered an interested party in court proceedings considering the abandonment of legally constituted cemeteries or family graveyards with historic significance. A permit from the Director is required if archaeological investigations are undertaken as a part of a court-approved removal of a cemetery.

D. The Board shall promulgate regulations implementing this section that provide for appropriate public notice prior to issuance of a permit, provide for appropriate treatment of excavated remains, the scientific quality of the research conducted on the remains, and the appropriate disposition of the remains upon completion of the research. The Department may carry out such excavations and research without a permit, provided that it has complied with the substantive requirements of the regulations promulgated pursuant to this section.

E. Any interested party may appeal the Director's decision to issue a permit or to act directly to excavate human remains to the local circuit court. Such appeal must be filed within fourteen days of the Director's decision.

Final regulations adopted by the Virginia Board of Historic Resources and published in the Virginia Register on July 15, 1991, are available at 17 VAC 5-20-10 through 17 VAC 5-20-80 (<http://law.lis.virginia.gov/admincode/title17/agency5/chapter20/>).



**ATLANTIC COAST PIPELINE, LLC**  
**ATLANTIC COAST PIPELINE**  
**Docket Nos. CP15-554-000**  
**CP15-554-001**

**Plan for the Unanticipated Discovery of Historic Properties  
or Human Remains during Construction in North Carolina**

*Rev. 3*

**Prepared by**



**ERM**

**January 9, 2018**

Plan for the Unanticipated Discovery of Historic Properties or Human Remains during  
Construction in North Carolina

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**LIST OF ACRONYMS AND ABBREVIATIONS**

ACP	Atlantic Coast Pipeline
Atlantic	Atlantic Coast Pipeline, LLC
Dominion Energy	Dominion Energy Transmission, Inc.
EI	Environmental Inspector
FERC	Federal Energy Regulatory Commission
NCDNCR	North Carolina Department of Natural and Cultural Resources
NRHP	National Register of Historic Places
OSA	Office of State Archaeology

## **1.0 INTRODUCTION**

Atlantic Coast Pipeline, LLC (Atlantic) – a company formed by four major energy companies – Dominion Energy, Inc.; Duke Energy Corporation; Piedmont Natural Gas Co., Inc.; and Southern Company Gas – proposes to construct and operate approximately 600 miles of natural gas transmission pipelines and associated aboveground facilities in West Virginia, Virginia, and North Carolina. This Project, referred to as the Atlantic Coast Pipeline (ACP), will deliver up to 1.5 million dekatherms per day of natural gas from supply areas in the Appalachian region to demand areas in Virginia and North Carolina. Atlantic has contracted with Dominion Energy Transmission, Inc. (Dominion Energy), a subsidiary of Dominion Energy, Inc., to construct and operate the ACP on behalf of Atlantic.

## **2.0 PURPOSE**

This plan identifies procedures to be implemented in the event that previously unreported and unanticipated cultural materials or human remains are found during construction of the ACP in North Carolina.

## **3.0 TRAINING**

Prior to the start of construction, Atlantic will conduct environmental training, including instruction on the identification of cultural materials, unmarked burials, and human remains, for Company and Contractor<sup>1</sup> personnel. The training program will focus on the Federal Energy Regulatory Commission's (FERC) *Upland Erosion Control, Revegetation, and Maintenance Plan* and *Wetland and Waterbody Construction and Mitigation Procedures*; other construction, restoration, and mitigation plans, including this *Plan for Unanticipated Discovery of Historic Properties or Human Remains*; and applicable permit conditions. Atlantic also will provide large-group training sessions before each work crew commences construction with periodic follow-up training for groups of newly assigned personnel.

## **4.0 UNANTICIPATED DISCOVERY OF CULTURAL MATERIALS OR HUMAN REMAINS**

The following measures will be implemented if known or suspected cultural materials, unmarked burials, or human remains are discovered during construction in North Carolina:

1. The Contractor will stop work in the area of the find (i.e., within 100 feet of the find or the outer perimeter of a group of finds) to protect the integrity of the find.
2. The Contractor will notify Atlantic's Environmental Inspector (EI)<sup>2</sup> of the find. The Contractor will not restart work in the area of the find until approved by the EI.

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<sup>1</sup> Contractor or Contractors refer to the company or companies retained by Atlantic or another contractor to construct the proposed facilities.

<sup>2</sup> The role and responsibilities of an EI are defined in the FERC's *Upland Erosion Control, Revegetation, and Maintenance Plan*.

## Plan for the Unanticipated Discovery of Historic Properties or Human Remains during Construction in North Carolina

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3. The EI will notify Atlantic's Environmental Project Consultant, who will coordinate with the Archaeological Consultant to conduct a preliminary assessment of the find.
4. Following the investigation, the Archaeological Consultant will notify Atlantic's Environmental Project Consultant by telephone regarding the preliminary assessment of the find.
5. Atlantic Environmental Project Consultant will notify the FERC and North Carolina Department of Natural and Cultural Resources (NCDNCR), which serves as the State Historic Preservation Office, by telephone regarding the preliminary evaluation of the find.
6. Atlantic's Environmental Project Consultant will notify federally recognized tribes<sup>3</sup> (the Delaware Nation and the Catawba Indian Nation) and state recognized tribes (Coharie Tribe, Haliwa-Saponi Indian Tribe, Lumbee Tribe of North Carolina, Meherrin Indian Tribe, Occaneechi Band of the Saponi Nation, Saponny Tribe, and Waccamaw Siouan Tribe) of the find.
7. If the materials found are cultural materials (e.g., artifacts or archaeological features), the procedures in Section 4.1 will be implemented. If the materials found are human remains, the procedures identified in Section 4.2 will be implemented.

### **4.1 Discovery of Cultural Materials**

1. The EI will flag or fence off the site (including the area within 100 feet of the find or the outer perimeter of a group of finds).
2. Atlantic's Environmental Project Consultant will direct the Archaeological Consultant to begin an assessment of the significance of the find and the potential effect of construction on the site.
3. The Archaeological Consultant will begin to assess and document the find within 2 days of its discovery. Methods will be consistent with the North Carolina Office of State Archaeology (OSA) guidelines. The purpose of the assessment will be to determine if the find is a site eligible for listing in the National Register of Historic Places (NRHP).
4. If the Archaeological Consultant determines the find is not eligible for listing in the NRHP, and the FERC and NCDNCR concur, the Archaeological Consultant will notify Atlantic's Environmental Project Consultant that construction may proceed in the vicinity of the find without additional action. The Archaeological

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<sup>3</sup> In a letter to the FERC dated December 1, 2014, the Delaware Nation asked to be notified in the event of an unanticipated discovery of archaeological sites during construction. In a letter to Atlantic dated August 25, 2016, the Catawba Indian Nation asked to be notified in the event of an unanticipated discovery of archaeological sites during construction. None of the other federally recognized Tribes consulted for the ACP asked to be notified in the event of an unanticipated find.

**Plan for the Unanticipated Discovery of Historic Properties or Human Remains during Construction in North Carolina**

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Consultant will prepare a brief report on the find for submittal to the FERC and NCDNCR within 7 days of the discovery. All finds will be recorded with the OSA according to OSA guidelines.

5. If the Archaeological Consultant determines that the find may be eligible for listing in the NRHP, and the FERC and NCDNCR concur, then the following additional steps will be implemented.
  6. Atlantic's Environmental Project Consultant will notify other parties of the find as directed by the NCDNCR and FERC.
  7. If the find is determined to be eligible for listing in the NRHP and continuing construction may damage more of the site, Atlantic's Environmental Project Consultant will request recommendations from the FERC, NCDNCR, and other parties recommended by the FERC and NCDNCR regarding measures for site treatment. These measures may include:
    - i) A variance request to re-route around the site;
    - ii) Formal archaeological evaluation of the site;
    - iii) Site visits by the FERC, NCDNCR and other parties;
    - iv) Preparation of a mitigation plan by Atlantic for approval by the FERC and NCDNCR;
    - v) Implementation of the mitigation plan; and
    - vi) Approval to resume construction following completion of the fieldwork component of the mitigation plan.
8. If, upon further analysis by the Archaeological Consultant, the find is determined to not be eligible for listing in the NRHP, Atlantic's Environmental Project Consultant will consult with the FERC, NCDNCR, and other appropriate parties, and will request approval to resume construction subject, as warranted, to further mitigation required by the FERC.
9. After FERC, in consultation with NCDNCR and other appropriate parties, finds that starting work will have no adverse effect on any sites eligible for listing in the NRHP, Atlantic's Environmental Project Consultant will notify the EI who will grant clearance to the Contractor to start work.

#### **4.2 Discovery of Unmarked Burials or Human Remains**

1. If unmarked human burial or skeletal remains are encountered during construction activities, Atlantic will comply with applicable provisions of North Carolina's

**Plan for the Unanticipated Discovery of Historic Properties or Human Remains during Construction in North Carolina**

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“Unmarked Human Burial and Human Skeletal Remains Protection Act” (North Carolina General Statutes Chapter 70, Article 3).

2. Atlantic’s Environmental Project Consultant will direct the EI to flag or fence off the site (including the area within 100 feet of the find or the outer perimeter of a group of finds), and will notify the County sheriff, who will notify the County medical examiner as required by North Carolina General Statutes Chapter 70, Article 3.
3. Atlantic’s Environmental Project Consultant will notify the FERC of the find.
4. If the County medical examiner determines that the remains are not modern or do not reflect a crime scene, and/or if they otherwise relinquish their jurisdiction over the remains, the County medical examiner will notify the state’s Chief Medical Examiner, who in turn will notify the State Archaeologist of the discovery and the findings of the County medical examiner. The State Archaeologist will take charge of the remains.
5. The State Archaeologist will have 48 hours to make arrangements with the landowner for the protection or removal of the burial or remains.
6. If the remains are removed, the State Archaeologist will coordinate the excavation by a professional archaeologist. The professional archaeologist will report his/her opinion on the characteristics of the remains to the State Archaeologist within two days after the removal.
7. Atlantic’s Environmental Project Consultant will consult appropriate parties (e.g., the State Archaeologist, the NCDNCR, the Executive Director of the North Carolina Commission of Indian Affairs, the Delaware Nation, the Catawba Indian Nation, other federally recognized Indian tribes, state recognized Indian tribes, and/or the landowner) as directed by the FERC regarding additional steps to be followed.
8. If it is determined that the remains are Native American, a reasonable effort will be made to identify, locate, and notify the appropriate Tribe.
9. If it is determined the remains are not Native American, the State Archaeologist will attempt to determine the identity or next of kin of the deceased. If no next of kin are identified the remains will be transferred to the State Archaeologist and permanently curated.
10. The measures to protect the remains and associated artifacts will remain in effect until they have been fully evaluated, appropriate treatment of the discovery (if applicable) has been completed, and Atlantic has received written notice from the FERC to proceed with construction at the discovery site.

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11. Atlantic's Environmental Project Consultant will notify the EI who will grant clearance to the Contractor to resume work in the vicinity of the find.

## 5.0 CONTACTS FOR UNANTICIPATED DISCOVERIES

### **ATLANTIC CONTACTS:**

#### **Lead Environmental Inspector (Spread 8):**

Name: Mike Edlin  
Cell: (217) 722-4445  
Email: [medlin@ensiteusa.com](mailto:medlin@ensiteusa.com)

#### **Lead Environmental Inspector (Spread 10):**

Name: Joe Kienzle  
Cell: (715) 816-4313  
Email: [jkienzle@ensiteusa.com](mailto:jkienzle@ensiteusa.com)

#### **Atlantic Environmental Project Consultant:**

Name: Spencer Trichell  
Phone: (804) 273-3472  
Cell: (804) 263-5980  
E-mail: [spencer.trichell@dominionenergy.com](mailto:spencer.trichell@dominionenergy.com)

#### **Archaeological Consultant:**

Name: William Stanyard  
Company: ERM  
Phone: (678) 781-1372  
Cell: (404) 317-0543  
E-mail: [bill.stanyard@erm.com](mailto:bill.stanyard@erm.com)

### **FEDERAL CONTACTS:**

#### **FERC Project Archaeologist:**

Name: Ellen Armbruster  
Phone: 202-502-8330  
Email: [ellen.armbruster@ferc.gov](mailto:ellen.armbruster@ferc.gov)

### **STATE CONTACTS:**

#### **NCDNCR/State Historic Preservation Office:**

Name: Kevin Cherry  
Phone: (919) 807-7280  
Email: [kevin.cherry@NCDNCR.gov](mailto:kevin.cherry@NCDNCR.gov)

#### **North Carolina State Archaeologist**

Name: John Mintz  
Phone: (919) 807-6555  
Email: [john.mintz@ncdcr.gov](mailto:john.mintz@ncdcr.gov)

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**TRIBAL CONTACTS:**

**Federally Recognized Tribes:**

**Catawba Indian Nation**

Name: Wenonah Haire  
Phone: (803) 328-2427  
E-mail: [wenonahh@ccppcrafts.com](mailto:wenonahh@ccppcrafts.com)

**Delaware Nation, Cultural Preservation Office**

Name: Nekole Alligood  
Phone: (405) 247-2448  
E-mail: [nalligood@delawarenation.com](mailto:nalligood@delawarenation.com)

**State Recognized Tribes:**

**North Carolina Commission of Indian Affairs**

Name: Greg Richardson, Executive Director  
Phone: (919) 807-4440  
E-mail: [greg.richardson@doa.nc.gov](mailto:greg.richardson@doa.nc.gov)

**Coharie Tribe**

Name: Greg Jacobs, Executive Director  
Phone: (910) 564-6909  
E-mail: [greg\\_jacobs53@yahoo.com](mailto:greg_jacobs53@yahoo.com)

**Haliwa-Saponi Indian Tribe**

Name: Dr. Brucie O. Richardson, Chief  
Phone: (252) 586-4017  
E-mail: [info@haliwa-saponi.com](mailto:info@haliwa-saponi.com)

**Lumbee Tribe of North Carolina**

Name: Harvey Godwin, Tribal Chair  
Phone: (910) 521-7861  
E-mail: [hgodwin@lumbeetribes.com](mailto:hgodwin@lumbeetribes.com)

**Meherrin Indian Tribe**

Name: Wayne Brown, Chief/Tribal Administrator  
Phone: (252) 209-0934  
E-mail: [chiefbrownmeherrin@yahoo.com](mailto:chiefbrownmeherrin@yahoo.com)

**Occaneechi Band of the Saponi Nation**

Name: W.A. "Tony" Hayes, Tribal Chair  
Phone: (336) 421-1317  
E-mail: [obsntribe@gmail.com](mailto:obsntribe@gmail.com)

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**Sappony Tribe**

Name: Dante Desiderio, Executive Director  
Phone: (434) 585-3352, (202) 631-2002  
E-mail: [sappony@msn.com](mailto:sappony@msn.com)

**Waccamaw Siouan Tribe**

Name: Lacy Wayne Freeman, Chief  
Phone: (910) 665-8778  
E-mail: [siouan@aol.com](mailto:siouan@aol.com)

**LOCAL LAW ENFORCEMENT CONTACTS:**

**Cumberland County Sheriff:**

Name: Ennis Wright  
Phone: (910) 677-5410  
Address: 131 Dick St, Fayetteville, NC 28301

**Halifax County Sheriff:**

Name: Wes Tripp  
Phone: (252) 583-8201  
Address: 355 Ferrell Ln, Halifax, NC 27839

**Johnston County Sheriff:**

Name: Steve Bizzell  
Phone: (919) 989-5010  
Address: 120 S 3rd St, Smithfield, NC 27577

**Nash County Sheriff:**

Name: Keith Stone  
Phone: (252) 459-1556  
Address: 222 West Washington Street, Nashville, NC 27856

**Northhampton County Sheriff:**

Name: Jack Smith  
Phone: (252) 534-2611  
Address: 105 W Jefferson St, Jackson, NC 27845

**Robeson County Sheriff:**

Name: Kenneth Sealey  
Phone: (910) 671-3100  
Address: 120 Legend Road, Lumberton, NC 28358

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**Sampson County Sheriff:**

Name: Jimmy Thornton  
Phone: (910) 592-4141  
Address: 112 Fontana St, Clinton, NC 28328

**Wilson County Sheriff:**

Name: Calvin Woodard Jr.  
Phone: (252) 237-2118  
Address: 100 Green Street East, Wilson, NC 27893

## 6.0 REFERENCES

State of North Carolina. Unmarked Human Burial and Human Skeletal Remains Projection Act, North Carolina General Statutes Chapter 70, Article 3. Available online at: [http://www.ncga.state.nc.us/EnactedLegislation/Statutes/PDF/ByArticle/Chapter\\_70/Article\\_3.pdf](http://www.ncga.state.nc.us/EnactedLegislation/Statutes/PDF/ByArticle/Chapter_70/Article_3.pdf). Accessed February 2015.



**DOMINION ENERGY  
TRANSMISSION, INC.  
SUPPLY HEADER PROJECT  
Docket No. CP15-555-000**

**Plan for the Unanticipated Discovery of Historic Properties  
or Human Remains during Construction in West Virginia**

*Rev. 3*

**Prepared by**



**January 9, 2018**

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**LIST OF ACRONYMS AND ABBREVIATIONS**

Dominion Energy	Dominion Energy Transmission, Inc.
EI	Environmental Inspector
FERC	Federal Energy Regulatory Commission
SHP	Supply Header Project
WVDCH	West Virginia Division of Culture and History

## 1.0 INTRODUCTION

Dominion Energy Transmission, Inc. (Dominion Energy) proposes to construct and operate approximately 37.5 miles of pipeline loop and modify existing compression facilities in Pennsylvania and West Virginia. This Project, referred to as the Supply Header Project (SHP), will enable Dominion Energy to provide firm transportation service to various customers, including Atlantic Coast Pipeline, LLC.

## 2.0 PURPOSE

This plan identifies procedures to be implemented in the event that previously unreported and unanticipated cultural materials or human remains are found during construction of the SHP in West Virginia.

## 3.0 TRAINING

Prior to the start of construction, Dominion Energy will conduct environmental training, including instruction on the identification of cultural materials, unmarked burials, and human remains, for Company and Contractor<sup>1</sup> personnel. The training program will focus on the Federal Energy Regulatory Commission's (FERC) *Upland Erosion Control, Revegetation, and Maintenance Plan* and *Wetland and Waterbody Construction and Mitigation Procedures*; other construction, restoration, and mitigation plans, including this *Plan for Unanticipated Discovery of Historic Properties or Human Remains*; and applicable permit conditions. Dominion Energy also will provide large-group training sessions before each work crew commences construction with periodic follow-up training for groups of newly assigned personnel.

## 4.0 UNANTICIPATED DISCOVERY OF CULTURAL MATERIALS OR HUMAN REMAINS

The following measures will be implemented if known or suspected cultural materials, unmarked burials, or human remains are discovered during construction in West Virginia:

1. The Contractor will stop work in the area of the find (i.e., within 100 feet of the find or the outer perimeter of a group of finds) to protect the integrity of the find.
2. The Contractor will notify Dominion Energy's Environmental Inspector (EI)<sup>2</sup> of the find. The Contractor will not restart work in the area of the find until approved by the EI.
3. The EI will notify Dominion Energy's Environmental Project Consultant, who will coordinate with the Archaeological Consultant to conduct a preliminary assessment of the find.

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<sup>1</sup> Contractor or Contractors refer to the company or companies retained by Dominion Energy or another contractor to construct the proposed facilities.

<sup>2</sup> The role and responsibilities of an EI are defined in the FERC's *Upland Erosion Control, Revegetation, and Maintenance Plan*.

4. Following the investigation, the Archaeological Consultant will notify Dominion Energy's Environmental Project Consultant by telephone regarding the preliminary assessment of the find.
5. Dominion Energy's Environmental Project Consultant will notify the FERC and West Virginia Division of Culture and History (WVDCH), which serves as the State Historic Preservation Office, by telephone regarding the preliminary evaluation of the find.
6. Dominion Energy's Environmental Project Consultant will notify the Delaware Nation of the find.<sup>3</sup>
7. If the materials found are cultural materials (e.g., artifacts or archaeological features), the procedures in Section 4.1 will be implemented. If the materials found are human remains, the procedures identified in Section 4.2 will be implemented.

#### **4.1 Discovery of Cultural Materials**

1. The EI will flag or fence off the site (including the area within 100 feet of the find or the outer perimeter of a group of finds).
2. Dominion Energy's Environmental Project Consultant will direct the Archaeological Consultant to begin an assessment of the significance of the find and the potential effect of construction on the site.
3. The Archaeological Consultant will assess and document the find within 2 days of its discovery.
4. If the Archaeological Consultant determines the find is not significant, and the FERC and WVDCH concur, the Archaeological Consultant will notify Dominion Energy's Environmental Project Consultant that construction may proceed in the vicinity of the find without additional action. The Archaeological Consultant will prepare a brief report on the find for submittal to the FERC and WVDCH within 7 days of the discovery.
5. If the Archaeological Consultant determines that the find may be significant, and the FERC and WVDCH concur, then the following additional steps will be implemented.
6. Dominion Energy's Environmental Project Consultant will notify other parties of the find as directed by the FERC and WVDCH.

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<sup>3</sup> In a letter to the FERC dated December 1, 2014, the Delaware Nation asked to be notified in the event of an unanticipated discovery of archaeological sites during construction. None of the other federally recognized tribes consulted for the SHP asked to be notified in the event of an unanticipated find.

7. If the find is determined to be significant and continuing construction may damage more of the site, Dominion Energy's Environmental Project Consultant will request recommendations from the FERC, WVDCH, and other parties recommended by the FERC and WVDCR regarding measures for site treatment. These measures may include:
  - i) A variance request to re-route around the site;
  - ii) Formal archaeological evaluation of the site;
  - iii) Site visits by the FERC, WVDCH and other parties;
  - iv) Preparation of a mitigation plan by Dominion Energy for approval by the FERC and WVDCH;
  - v) Implementation of the mitigation plan; and
  - vi) Approval to resume construction following completion of the fieldwork component of the mitigation plan.
8. If, upon further analysis by the Archaeological Consultant, the find is determined to lack significance, Dominion Energy's Environmental Project Consultant will consult with the FERC, WVDCH, and other appropriate parties, and will request approval to resume construction subject, as warranted, to further mitigation required by the FERC.
9. Dominion Energy's Environmental Project Consultant will notify the EI who will grant clearance to the Contractor to start work.

#### **4.2 Discovery of Unmarked Burials or Human Remains**

1. If unmarked human burial or skeletal remains are encountered during construction activities, Dominion Energy's Environmental Project Consultant will direct the EI to flag or fence off the site (including the area within 100 feet of the find or the outer perimeter of a group of finds).
2. Dominion Energy's Environmental Project Consultant will notify the local law enforcement agency within 48 hours of the find.
3. Dominion Energy's Environmental Project Consultant will notify the FERC of the find.
4. If the local law enforcement agency determines that the remains are not modern or do not reflect a crime scene, and/or if they otherwise relinquish their jurisdiction over the remains, the FERC will consult appropriate parties (e.g., WVDCH, federally recognized Indian tribes, and/or the landowner) regarding additional steps to be followed.

**Plan for the Unanticipated Discovery of Historic Properties or Human Remains during Construction in West Virginia**

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5. If the WVDCH determines that the site has no archaeological significance, Dominion Energy will notify the circuit court of the County where the site is located. The removal, transfer, and disposition of the remains will be subject to the provisions of West Virginia Code §37-13-1 under the jurisdiction and authority of the circuit court of the County where the site is located.
6. If it is determined that the remains are Native American, a reasonable effort will be made to identify, locate, and notify the appropriate Tribe.
7. If it is determined that the remains are not Native American, a reasonable effort will be made to determine the identity or next of kin of the deceased.
8. The measures to protect the remains and associated artifacts will remain in effect until they have been fully evaluated, appropriate treatment of the discovery (if applicable) has been completed, and Dominion Energy has received written notice from the FERC to proceed with construction at the discovery site.
9. Dominion Energy's Environmental Project Consultant will notify the EI who will grant clearance to the Contractor to resume work in the vicinity of the find.

## 5.0 CONTACTS FOR UNANTICIPATED DISCOVERIES

### **DOMINION ENERGY CONTACTS:**

#### **Lead Environmental Inspector (Spread 13):**

Name: Kerrie Smith  
Cell: 814-221-5522  
Email: k.l.smith@windstream.net

#### **Lead Environmental Inspector (Mockingbird Hill and Burch Ridge Compressor Stations):**

Name: Jason Wells  
Cell: 304-532-2725  
Email: jrwellswvu@yahoo.com

#### **Atlantic Environmental Project Consultant:**

Name: Spencer Trichell  
Phone: (804) 273-3472  
Cell: (804) 263-5980  
E-mail: [spencer.trichell@dominionenergy.com](mailto:spencer.trichell@dominionenergy.com)

#### **Archaeological Consultant:**

Name: William Stanyard  
Company: ERM  
Phone: (678) 781-1372  
Cell: (404) 317-0543  
E-mail: [bill.stanyard@erm.com](mailto:bill.stanyard@erm.com)

### **FEDERAL CONTACTS:**

#### **FERC Project Archaeologist:**

Name: Ellen Armbruster  
Phone: (202) 502-8330  
Email: [ellen.armbruster@ferc.gov](mailto:ellen.armbruster@ferc.gov)

### **STATE CONTACTS:**

#### **WVDCH/ State Historic Preservation Office:**

Name: Susan Pierce  
Phone: (304) 558-0240, ext. 158  
Email: [susan.m.pierce@wv.gov](mailto:susan.m.pierce@wv.gov)

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**TRIBAL CONTACTS:**

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**Harrison County Sheriff:**

Name: Robert Metheny  
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Address: 301 W Main Street, Clarksburg, WV 26301

**Marshall County Sheriff:**

Name: Kevin Cecil  
Phone: (304) 843-1550  
Address: 601 6th St, Moundsville, WV 26041

**Tyler County Sheriff:**

Name: Brian M. Weigle  
Phone: (304) 758- 4229  
Address: 121 Court St, Middlebourne, WV 26149

**Wetzel County Sheriff:**

Name: Mike Koontz  
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Address: 200 Main St, New Martinsville, WV 26155

## **6.0 REFERENCES**

West Virginia Legislature (West Virginia). n.d. West Virginia Code. Available online at:  
<http://law.justia.com/codes/west-virginia/2013/chapter-37/article-13/section-37-13-1A>.  
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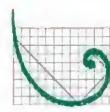


**DOMINION ENERGY  
TRANSMISSION, INC.  
SUPPLY HEADER PROJECT  
Docket No. CP15-555-000**

**Plan for the Unanticipated Discovery of Historic Properties  
or Human Remains during Construction in Pennsylvania**

*Rev. 3*

**Prepared by**



**ERM**

**January 9, 2018**

Plan for the Unanticipated Discovery of Historic Properties or Human Remains during  
Construction in Pennsylvania

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**LIST OF ACRONYMS AND ABBREVIATIONS**

Dominion Energy	Dominion Energy Transmission, Inc.
EI	Environmental Inspector
FERC	Federal Energy Regulatory Commission
PABHP	Pennsylvania Bureau for Historic Preservation
SHP	Supply Header Project

## 1.0 INTRODUCTION

Dominion Energy Transmission, Inc. (Dominion Energy) proposes to construct and operate approximately 37.5 miles of pipeline loop and modify existing compression facilities in Pennsylvania and West Virginia. This Project, referred to as the Supply Header Project (SHP), will enable Dominion Energy to provide firm transportation service to various customers, including Atlantic Coast Pipeline, LLC.

## 2.0 PURPOSE

This plan identifies procedures to be implemented in the event that previously unreported and unanticipated cultural materials or human remains are found during construction of the SHP in Pennsylvania.

## 3.0 TRAINING

Prior to the start of construction, Dominion Energy will conduct environmental training, including instruction on the identification of cultural materials, unmarked burials, and human remains, for Company and Contractor<sup>1</sup> personnel. The training program will focus on the Federal Energy Regulatory Commission's (FERC) *Upland Erosion Control, Revegetation, and Maintenance Plan* and *Wetland and Waterbody Construction and Mitigation Procedures*; other construction, restoration, and mitigation plans, including this *Plan for Unanticipated Discovery of Historic Properties or Human Remains*; and applicable permit conditions. Dominion Energy also will provide large-group training sessions before each work crew commences construction with periodic follow-up training for groups of newly assigned personnel.

## 4.0 UNANTICIPATED DISCOVERY OF CULTURAL MATERIALS OR HUMAN REMAINS

The following measures will be implemented if known or suspected cultural materials, unmarked burials, or human remains are discovered during construction in Pennsylvania:

1. The Contractor will stop work in the area of the find (i.e., within 100 feet of the find or the outer perimeter of a group of finds) to protect the integrity of the find.
2. The Contractor will notify Dominion Energy's Environmental Inspector (EI)<sup>2</sup> of the find. The Contractor will not restart work in the area of the find until approved by the EI.
3. The EI will notify Dominion Energy's Environmental Project Consultant, who will coordinate with the Archaeological Consultant to conduct a preliminary assessment of the find.

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<sup>1</sup> Contractor or Contractors refer to the company or companies retained by Dominion Energy or another contractor to construct the proposed facilities.

<sup>2</sup> The role and responsibilities of an EI are defined in the FERC's *Upland Erosion Control, Revegetation, and Maintenance Plan*.

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4. Following the investigation, the Archaeological Consultant will notify Dominion Energy's Environmental Project Consultant by telephone regarding the preliminary assessment of the find.
5. Dominion Energy's Environmental Project Consultant will notify the Federal Energy Regulatory Commission (FERC) and Pennsylvania Bureau for Historic Preservation (PABHP), which serves as the State Historic Preservation Office, by telephone regarding the preliminary evaluation of the find.
6. Dominion Energy's Environmental Project Consultant will notify the Delaware Nation of the find.<sup>3</sup>
7. If the materials found are cultural materials (e.g., artifacts or archaeological features), the procedures in Section 4.1 will be implemented. If the materials found are human remains, the procedures identified in Section 4.2 will be implemented.

## **4.1 Discovery of Cultural Materials**

1. The EI will flag or fence off the site (including the area within 100 feet of the find or the outer perimeter of a group of finds).
2. Dominion Energy's Environmental Project Consultant will direct the Archaeological Consultant to begin an assessment of the significance of the find and the potential effect of construction on the site.
3. The Archaeological Consultant will assess and document the find within 2 days of its discovery.
4. If the Archaeological Consultant determines the find is not significant, and the FERC and PABHP concur, the Archaeological Consultant will notify Dominion Energy's Environmental Project Consultant that construction may proceed in the vicinity of the find without additional action. The Archaeological Consultant will prepare a brief report on the find for submittal to the FERC and PABHP within 7 days of the discovery.
5. If the Archaeological Consultant determines that the find may be significant, and the FERC and PABHP concur, then the following additional steps will be implemented.
6. Dominion Energy's Environmental Project Consultant will notify other parties of the find as directed by the FERC and PABHP.

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<sup>3</sup> In a letter to the FERC dated December 1, 2014, the Delaware Nation asked to be notified in the event of an unanticipated discovery of archaeological sites during construction. None of the other federally recognized tribes consulted for the SHP asked to be notified in the event of an unanticipated find.

7. If the find is determined to be significant and continuing construction may damage more of the site, Dominion Energy's Environmental Project Consultant will request recommendations from the FERC, PABHP, and other parties recommended by the FERC and PABHP regarding measures for site treatment. These measures may include:
  - i) A variance request to re-route around the site;
  - ii) Formal archaeological evaluation of the site;
  - iii) Site visits by the FERC, PABHP, and other parties;
  - iv) Preparation of a mitigation plan by Dominion Energy for approval by the FERC and PABHP;
  - v) Implementation of the mitigation plan; and
  - vi) Approval to resume construction following completion of the fieldwork component of the mitigation plan.
8. If, upon further analysis by the Archaeological Consultant, the find is determined to lack significance, Dominion Energy's Environmental Project Consultant will consult with the FERC, PABHP, and other appropriate parties, and will request approval to resume construction subject, as warranted, to further mitigation required by the FERC.
9. Dominion Energy's Environmental Project Consultant will notify the EI who will grant clearance to the Contractor to start work.

#### **4.2 Discovery of Unmarked Burials or Human Remains**

1. If unmarked human burial or skeletal remains are encountered during construction activities, Dominion Energy's Environmental Project Consultant will direct the EI to flag or fence off the site (including the area within 100 feet of the find or the outer perimeter of a group of finds), and will notify the local County sheriff.
2. Dominion Energy's Environmental Project Consultant will notify the FERC and PABHP of the find.
3. If the County sheriff determines that the remains are not modern or do not reflect a crime scene, and/or if they otherwise relinquish their jurisdiction over the remains, the FERC will consult appropriate parties (e.g., PABHP, federally recognized Indian tribes, and/or the landowner) regarding additional steps to be followed.
4. If it is determined that the remains are Native American, a reasonable effort will be made to identify, locate, and notify the appropriate Tribe.

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5. If it is determined that the remains are not Native American, a reasonable effort will be made to determine the identity or next of kin of the deceased.
6. The measures to protect the remains and associated artifacts will remain in effect until they have been fully evaluated, appropriate treatment of the discovery (if applicable) has been completed, and Dominion Energy has received written notice from the FERC to proceed with construction at the discovery site.
7. Dominion Energy's Environmental Project Consultant will notify the EI who will grant clearance to the Contractor to resume work in the vicinity of the find.

## 5.0 CONTACTS FOR UNANTICIPATED DISCOVERIES

### **DOMINION ENERGY CONTACTS:**

#### **Lead Environmental Inspector (Spread 14):**

Name: Kerrie Smith  
Cell: 814-221-5522  
Email: k.l.smith@windstream.net

#### **Lead Environmental Inspector (Crayne and JB Tonkin Compressor Stations):**

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#### **FERC Project Archaeologist:**

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### **COMMONWEALTH CONTACTS:**

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